

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JAMES ALFRED SMITH, JR.,

Petitioner,

v.

MICHAEL THURMER, Warden,
Waupun Correctional Institution,

AMENDED JUDGMENT
IN A CIVIL CASE

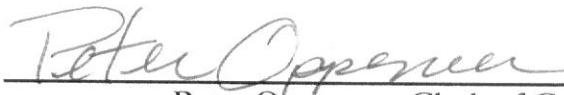
Case No. 08-cv-641-slc

Respondent.

This action came for consideration before the court with DISTRICT JUDGE BARBARA B. CRABB presiding. The issues have been considered and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

that judgment is entered dismissing the petition for writ of habeas corpus pursuant to Rule 4 of the Rules Governing Section 2254 Cases. Petitioner's claims that the Department of Corrections and state courts used "methods of administration" to deprive him of his right to access to the court under the First Amendment and the Americans With Disabilities Act are dismissed without prejudice to his refiling them as a civil action under § 1983. His claim that he was deprived of due process at 121 disciplinary proceedings is dismissed with prejudice for petitioner's failure to allege facts setting forth a cognizable constitutional claim.


Peter Oppeneer

Peter Oppeneer, Clerk of Court

JUL 15 2009

Date